

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEVEN LYONS,

Plaintiff,

CIVIL ACTION NO. 12-cv-15408

vs.

DISTRICT JUDGE PATRICK J. DUGGAN

MAGISTRATE JUDGE MONA K. MAJZOUN

GAYLE LEACH, et al.,

Defendants.

_____ /

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION
REQUESTING VIDEO HEARINGS [38]**

Before the Court is Plaintiff's Motion Requesting Video Hearings. (Docket no. 38.) Defendants have not filed a Response. All pretrial matters have been referred to the undersigned for consideration. (Docket no. 45.) The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). The Court is now ready to rule on the motion pursuant to 28 U.S.C. § 636(b)(1)(A).

In the instant motion, Plaintiff seeks an order from the Court that all motion hearings in this matter be held via video conference. (Docket no. 38 at 1.) He further requests access to the video conference room and its equipment at the facility where he is located so that he may participate in any such motion hearings. (*Id.*) Pursuant to 42 U.S.C. § 1997e(f)(1), in actions filed in Federal Court under 42 U.S.C. § 1983 with respect to prison conditions, "pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined," to the extent practicable. The Court finds that Plaintiff's motion is premature. To date, the Court has not scheduled or conducted any hearings in this matter.

Furthermore, Plaintiff has not been denied the opportunity to participate in any future hearings via video conference. Accordingly, the Court will deny Plaintiff's motion without prejudice.

IT IS THEREFORE ORDERED that Plaintiff's Motion Requesting Video Hearings [38] is **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: April 30, 2014

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Steven Lyons and Counsel of Record on this date.

Dated: April 30, 2014

s/ Lisa C. Bartlett

Case Manager